April 8, 2025

Comments on "In Re: Delete, Delete, Delete", Docket No. 25-133

From the Federal Communications Commission website, "What We Do":

- "Supporting the nation's economy by ensuring an appropriate competitive framework for the unfolding of the communications revolution".
- "Encouraging the highest and best use of spectrum domestically…".
- "Revising media regulations so that new technologies flourish alongside diversity and localism".

In a rapidly changing communication, information and technology world, this "Delete, Delete, Delete" discussion, and subsequent reforms and updates, is critically needed if radio and television broadcasters are to survive. Broadcasters can no longer thrive and compete effectively and fairly in a regulatory ecosystem that was conceived and implemented decades ago, with little meaningful reform in the several years since. When the Telecommunications Act of 1996 was enacted, the online, digital and social media platforms of today were in their infancy. Those "infants" are now mature, powerful and mostly-unregulated behemoths and competitors to broadcasters. The playing field in the current media market must be leveled in ways that give radio (and TV) broadcasters a more even playing field. The principle argument, that broadcasters operate in a unique, "silo" environment, as compared to our digital and social media competitors, and must continue to be regulated in a "pre-digital" straitjacket, does not reflect the reality of today's market. As the principal of QXZ MediaWorks LLC, a budding small broadcaster in Texas, I particularly propose rule and policy reforms in the following three areas:

I. Rural Radio Policy – "Delete" It
II. Cancelled Broadcast License Allocation – Preserve It
III. **FM IF Separation Rule – "Delete" It**

Rural Radio Policy. As with many FCC rules or policies that arguably made sense when they were originally enacted, the Rural Radio policy, I contend, has outlived its usefulness and rationale for existing. I assert that it is primarily new and advancing technology that has eliminated the need to protect and maintain commercial broadcast stations in rural communities. And, equally as important,

small commercial broadcasters, like my company, need the flexibility to operate in communities with larger economic bases and population numbers. It is a self-evident truth that commercial businesses, certainly including broadcasters, must operate where the advertisers and customers – here, listeners or viewers – are located. If not, a commercial business is in danger of going out of business. Commercial broadcasters are not somehow immune to that reality. The following key points define and illustrate my view of the need for the elimination of the Rural Radio policy:

- Rural Radio, since its implementation, has remained as a policy, and not a more formal and objectively enforceable rule. To this day, the Media Bureau and the full FCC have never "upgraded" or elevated the Rural Radio policy to a rule.

- As is the case with a full-on rule, there are no bright-line, published, objective and impartial standards or set of criteria that the FCC, Media Bureau or Audio Division use to fairly and evenly enforce the Rural Radio policy. Consequently, critics, including myself, contend that Rural Radio, however unintentionally, is open to arbitrary and capricious application and results.

- Small broadcast operators are most affected, and limited by, the Rural Radio policy. As things currently stand, the big operators in large and medium markets most benefit by keeping out small competitors. In the years following the 1996 Telecommunications Act, the resulting consolidation of broadcast radio stations has overwhelmingly favored the large, nationwide companies in the larger markets. Smaller radio broadcasters, by contrast, have generally been much more relegated to serving suburban and rural areas. Even when minimum spacing requirements could be met, FM stations in rural areas are barred from moving into a more populated urbanized area.

- For commercial broadcast radio operators, rural, sparsely populated areas often do not provide a sufficient economic base in which to financially thrive and grow their business. By definition, rural areas have less advertisers and listeners.

- All radio stations, including in rural areas, have fixed operating costs that are increasingly expensive. These operating costs can only be reduced so far.

- As originally conceived, the Rural Radio policy mandated that existing radio stations needed to be kept in place to serve the information needs of rural residents. However, even as the Rural Radio policy was being implemented in 2011, the rationale and justification for the policy was quickly diminishing. Rural areas and small towns were increasingly being served by 4G LTE, and then 5G, cellular phone and other wireless companies. These new-technology companies, along with video and telephone service, began providing Internet service to rural residents. Indeed, with wireless Internet service, rural residents were given the option to stream the same news, information and entertainment content that terrestrial radio stations had provided…including the streaming signal from any terrestrial radio station that offered it.

- During and post-2011, additional audio (and video) services emerged to serve consumers, in rural and all areas, especially including Sirius/XM satellite radio. Most recently, the StarLink satellite system has gone operational, to provide service to rural residents and consumers. While defenders of the Rural Radio policy would contend that citing these non-broadcast options is invoking an "apples and oranges" argument, since they involve paid subscriptions, I would argue that having to pay for these services has not stood in the way of their very widespread, voluntary adoption by rural residents. Over time, the subscription prices for the use and consumption of the non-broadcast services and technology have fallen significantly. Due to falling costs, the use of smartphones, smart speakers, smart televisions, computers and other informational platforms has led to their ubiquity. Rural residents and consumers are no longer limited to local broadcast stations as a sole or critical source of information.

- Even in rural areas, broadcasters now face stiff competition from global, powerful, and mostly unregulated social media sites like Google, Facebook, Twitter, Spotify and more. These social media platforms and competitors have made the financial challenges for all broadcasters increasingly stark. While broadcasters in larger markets are better able to financially compete against these online, digital and social media services, commercial FM and AM operators in rural areas are being hit in harder and more urgent ways.

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- In recent FM auctions, the FCC was mostly left with small and rural community allocations, many of which did not receive bids. Auctions are no longer the desirable and dependable moneymakers that they once were, because of these undesirable, small communities, where revenue does not cover operating costs and overhead.

For the above reasons, and for other points that other Commenters may raise in this proceeding, the time to discontinue the Rural Radio policy has long since arrived. If a radio broadcaster in a rural or suburban area has the financial ability to move into a larger or urbanized-area market, it should be allowed to do so. As long as the station move-in complies with all other FCC and Media Bureau engineering rules and standards, such as minimum spacing, it should be allowed to do so. Rural radio stations need relief from Rural Radio policy restrictions. In many cases, a move may be urgently needed for financial survival in an increasingly competitive media landscape.

***Cancelled Broadcast Licenses*.** With the large proliferation of new FM services – full-power stations; translators; and, especially, low-power stations – in recent years, the FM bandwidth is able to accommodate fewer and fewer new facilities. The same space constraints also affect the AM band. In larger urban areas and markets, the "scarcity of spectrum" issue is even more acute. The continuing demand for new broadcast radio stations requires immediate solutions to the dwindling availability of space on both the FM and AM bands.

(**Prefatory note**: The following proposal requires that the Congress restore the FCC's auction authority. I would encourage existing and prospective broadcasters to contact their respective United States Senators and Representatives to implore them to vote to restore FCC auction authority.)

Whether through voluntary surrender of a broadcast license, or through an involuntary license cancellation and deletion, a valuable "voice" is lost in a local community. Under current FCC policy, it can take years to return a "fallow" AM or FM signal and station to operation. A far more efficient and timely process is needed to reactivate broadcast service to a community.

I would propose that, when a radio broadcast license is lost, the Media Bureau use an expedited auction process to attempt to restore the station to the same local community, and using the same engineering and technical facility specifications

under which the station previously operated. For example, if a cancelled FM station operated at "Anytown, Anystate" as a Class C2, with 45 kW at 155 meters HAAT, those would be the same engineering/technical specifications presented to bidders at auction. Using the same specifications, I would further propose that the auction occur no later than one year from the date the station license was surrendered or cancelled. Auctioning the allocation within one year, at the same specifications, would provide a level of certainty and stability to both prospective bidders and to other, existing broadcasters in the affected market. During the one-year window, all other licensees in the market would not be granted any major or minor engineering upgrades or other modifications to their facility/ies that would impact the allocation and specifications of the cancelled license, pending the outcome of the auction for the cancelled facility. If no bids are received for the cancelled allocation, then existing broadcasters would subsequently be allowed to apply for modifications to their respective facility/ies. The same "hold and auction" process would be used for cancelled AM stations.

FM IF Separation Rules. The FM IF separation rules need to be examined and updated to take advantage of the technical advancements that have been made in broadcast and consumer technology in the many decades since the rules were originally promulgated.

(**Disclosure**: Due to the highly technical nature of FM IF separation specifications and rules, about which I do not have professional knowledge, the following observations have been derived from using an Artificial Intelligence (AI) search on the topic. The AI search did not provide source attribution to any individual or organization. While I do have a basic understanding of FM IF separation, my knowledge of the subject is not extensive enough to be able to uniquely originate my own, detailed thoughts on this topic. My knowledge gained about FM IF separation, and the need for updates to FCC rules regarding the applicable standards, comes from my discussions with broadcast engineering consultants.)

- Technological advancements have reduced interference concerns. Modern FM receivers and transmission equipment have significantly improved since the IF separation rules were established. Enhanced selectivity and filtering capabilities in contemporary receivers can mitigate interference from IF-related channels more effectively than older technology, reducing the need for strict geographic separation. Outdated standards ignore these advancements, unnecessarily limiting spectrum use.

- Spectrum efficiency and scarcity. The FM band is a finite resource, and strict IF separation rules constrain the number of stations that can operate in a given geographic or market area. With continuing demand for broadcast licenses, especially in urban markets, relaxing these rules could allow more stations to coexist without meaningful degradation of service, optimizing spectrum use and fostering greater competition and diversity in programming.

- Minimal real-world impact of IF interference. Empirical evidence and anecdotal reports from broadcasters suggest that IF interference is less disruptive in practice than the rules imply. In many cases, terrain, antenna design, and power levels naturally limit interference, making the mandated separations overly cautious. The FCC and Media Bureau could adopt a more flexible, case-by-case approach rather than a blanket rule, freeing up space for new entrants.

- Economic barriers for new broadcasters. The IF separation requirements can increase costs for new stations, particularly low-power FM (LPFM) or community broadcasters, by forcing them to locate transmitters farther from existing stations or in less optimal sites. This can stifle local media development and innovation, disproportionately affecting smaller operators who may lack the resources to navigate or challenge the rules.

- Evolving media consumption trends. With the rise of digital radio, streaming services, and other audio platforms, the dominance of FM broadcasting has waned. Maintaining rigid IF separation rules prioritizes a legacy system over adapting to a modern media environment where interference concerns are less relevant to overall listener experience, as audiences increasingly turn to alternative sources.

- Regulatory overreach and inflexibility. Some stakeholders view the IF separation rules as emblematic of excessive FCC regulation that fails to keep pace with industry needs. They advocate for a deregulatory approach, suggesting that broadcasters should have more autonomy to manage interference risks, potentially through voluntary coordination or market-driven solutions, rather than adhering to a one-size-fits-all mandate.

While there are several other topics that I believe are ripe for revision and update by the FCC, the above three subjects are the most important to me. I hope other

Comments to this proceeding will address the same and other broadcast radio subjects that may be overdue for change at the FCC, Media Bureau and Audio Division. In a highly competitive and evolving media environment, government regulation should not stand in the way of bringing relief and growth to radio broadcasters. Many of the competitors to broadcasters face little or no regulatory constraints in the ways that this industry does. Many commercial broadcasters, and especially smaller operators, are finding it increasingly difficult to survive under a system of government over-regulation.

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